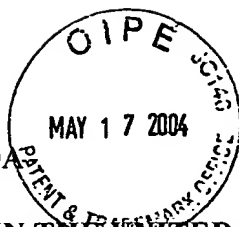


AUTOB.060A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ellis, et al.)
 Appl. No. : 09/251,218)
 Filed : February 16, 1999)
 For : **PRODUCT**)
 CONFIGURATION)
 DISPLAY SYSTEM AND)
 METHOD WITH USER)
 REQUESTED PHYSICAL)
 PRODUCT ALTERATIONS)
 Examiner : Pierre E. Elisca)
 Art Unit : 3621)

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

May 14, 2004

(Date)

David K. Wiggins

David K. Wiggins, Reg. No. 54,538

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GROUP 3600

PETITION UNDER 37 C.F.R. §1.181(a) TO WITHDRAW ERRONEOUS HOLDING OF
ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to M.P.E.P. §711.03(c), this petition to withdraw erroneous holding of abandonment is being submitted to the Commissioner under 37 C.F.R. §1.181(a). This petition is timely filed according to 37 C.F.R. §1.181(f).

In a Notice of Abandonment mailed April 16, 2004, the Patent and Trademark Office notified Applicant that the above-identified application had become abandoned for failure to timely file a proper reply to the Office Action mailed on May 30, 2003. The Notice of Abandonment states that no reply has been received. However, a Notice of Appeal was timely filed on August 27, 2003 in accordance with 37 C.F.R. § 1.191. Copies of the documents that were filed are enclosed. These documents include the Notice of Appeal, the check in the amount of \$320.00 and the return postcard. The Notice of Appeal was filed before the six month statutory deadline of November 30, 2003 to reply to the Office Action, and the return postcard has been stamped by the PTO mailroom as being received. The Notice of Appeal was signed by

Appl. No. : **09/251,218**
Filed : **February 16, 1999**

the undersigned and delivered for mailing by our docketing department on August 27, 2003, as indicated by the certificate of mailing dated August 27, 2003.

In addition, an Appeal Brief was filed in accordance with 37 C.F.R. § 1.192 on November 26, 2003, together with a request for a one-month extension of time and the applicable time extension fee. Copies of the documents that were filed are enclosed. These documents include the Appellant's Brief, the Transmittal Sheet, the check in the amount of \$440.00 and the return postcard. The Appeal Brief was filed before the statutory deadline set forth in 37 C.F.R. § 1.192, as indicated by the fact that the return postcard has been stamped by the PTO mailroom as being received. The Appeal Brief was signed by the undersigned and delivered for mailing by our docketing department on November 26, 2003, as indicated by the certificate of mailing dated November 26, 2003. The application, therefore, was not abandoned by Applicant.

Applicant respectfully requests withdrawal of the Notice of Abandonment and entry of the Notice of Appeal for Application No. 09/251,218 filed on August 27, 2003 and the Appeal Brief filed on November 26, 2003. Should there be any remaining issue regarding the above comments or any other aspect of the present application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

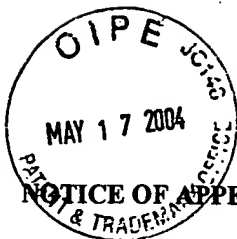
Dated:

May 11, 2004

By:

David K. Wiggins

David K. Wiggins
Registration No. 54,538
Attorney of Record
2040 Main St, 14th Floor
Irvine, CA 92614
(619) 235-8550



NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of : Ellis, et al.
App. No. : 09/251,218
For : PRODUCT CONFIGURATION
DISPLAY SYSTEM AND
METHOD WITH USER
REQUESTED PHYSICAL
PRODUCT ALTERATIONS
Filed : February 16, 1999
Examiner : Pierre E. Elisca
Group Art Unit : 3621

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8/27/03

(Date)

Thomas R. Arno, Reg. No. 40,490

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GROUP 3600

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated May 30, 2003 of the Primary Examiner twice rejecting Claims 1-16, 38-57, 67 and 68. The items marked below are appropriate:

Filing Fee:

- (X) \$320 (large entity)
- (X) Enclosed is a check in the amount of \$320.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

Signature: _____

Thomas R. Arno
Registration No. 40,490
Customer No. 20,995
(619) 235-8550

